

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 157 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DISTRICT PANCHAYAT JAMNAGAR

Versus

LAKHMA MARKHI VARU

Appearance:

MR PV HATHI for Petitioners

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/11/98

ORAL JUDGEMENT

Learned counsel for the petitioners submits that though the respondent is not served with the notice of this civil revision application but in view of the subsequent development which has taken place, this revision application has become infructuous and therefore this court may not issue fresh notice to the respondent.

This revision application arises from the suit

which has been filed by the plaintiff-respondent challenging therein the order of the defendants-petitioners placing him under suspension as the departmental inquiry has been started against him. Learned trial court has declined to grant any temporary injunction to the plaintiff-respondent but the appellate court granted interim injunction in favour of the plaintiff-respondent. Hence, this revision application before this Court by the defendants-petitioners.

This revision application has been admitted on 5-2-1991 and interim relief in terms of para-5(C) has also been granted. So whatever relief granted by the first appellate court could not be given effect by the defendant-petitioners as that order has been stayed by this Court. Learned counsel for the petitioners submits that the departmental inquiry which has been initiated against the plaintiff-respondent has been completed and he has been reinstated back in the service. So this suspension order now no more survives and as such this revision application has become infructuous.

In the result, this revision application is dismissed as having become infructuous. Rule discharged. Interim relief granted by this Court stands vacated. No order as to costs. However, liberty is granted to the petitioners for revival of this civil revision application in case of any difficulty.
